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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

ESCO CORPORATION and ESCO  
CANADA, LTD.,

Plaintiff,

vs.

CASHMAN EQUIPMENT COMPANY, et al.,

Defendant.

Case No. 2:12-cv-01545-RCJ-NJK

**ORDER**

\_\_\_\_\_ )  
This matter is before the court on Defendant's Motion for Substitution of Counsel (#60) filed May 10, 2013. Defendant Caterpillar, Inc., seeks to substitute Todd M. Touton, Esq., in the place and stead of John P. Heil, Jr. and Timothy Bertschy of Heyl Royster Voelker & Allen as counsel of record for Caterpillar, Inc.

Local Rule IA 10-6(b) provides that no attorney may withdraw after appearing in this case except by leave of court after notice is served on the affected client and opposing counsel. Local Rule IA 10-6(c) specifies the manner in which a stipulation to substitute attorneys shall be presented and provides that the attorneys' stipulation to substitute "constitutes an express acceptance of all dates then set for pretrial proceedings, for trial or hearing, by the discovery plan, or any court order." Subparagraphs (d) and (e) explicitly provide that discharge, withdrawal, or substitution of an attorney shall not alone be reason for delay of pretrial proceedings, discovery, or trial, and that except for good cause shown, no withdrawals will be approved if delay would result.

Accordingly, having reviewed and considered the matter,

**IT IS ORDERED** that the Defendant's Motion for Substitution of Counsel (#60) to substitute Todd M. Touton, Esq., in the place and stead of John P. Heil, Jr. and Timothy Bertschy of Heyl Royster Voelker & Allen as counsel of record for Caterpillar, Inc., in this matter is **GRANTED**, subject to the provisions of LR IA 10-6(d) and (e).

DATED this 10th day of May, 2013

NANCY J. KOPPE  
United States Magistrate Judge